

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

February 27, 2017

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Jo Rogers, Norma Kerlin, Jay Schondorf,

Alternates present: Peter Linderoth, Klaus Jander

Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Compliance Officer

Others present: Larry Liebman, Julia Kaput, Will Kies, John Nelson, Rob Frangione, Matt Popp, Sue Baker, Steve Danzer, Pasquale Iachetta, Gene Nazzaro, Louisa Stone, Tom Heagney, Tom Ryder, Jim Carr, Bill Kenny, Bryan Muller, Jim McTigue, Keith Felcyn, Tim Welling, Elena Cantavero, Rene Slobotonik, Mark Kwan, Tony D'Andrea, Jeff McDougal, Wayne D'Avanzo, Michael Irvin

1. Call to Order

Chairman Harris called the meeting to order at 7:00 p.m.

2. Seating of alternates

Peter Linderoth was seated as alternate.

3. Approval of draft minutes of January 23, 2017

Stephan Skoufalos made a motion to approve the minutes of January 23, 2017, second by Elliot Benton. The motion carried 6-0-0.

4. Director's Report

Patricia Sesto reviewed the contents of her staff report. She described the long standing criticism, albeit poorly defined, that it takes too long to work through the land use process. To gain a factual understanding, she examined 33 applications from mid 2016. Contrary to criticism, applications are generally processed in a timely fashion. Sesto highlighted possible changes to improve the tone of communication, means to manage process expectations, means to keep applicants informed when agents are involved, and consideration of altering the schedule to meet twice a month to shorten review time. Members agreed to discuss this further at a special meeting.

Sesto reported the vernal pool monitoring requests were mailed out last week. Dead wood and lawn care brochures were finalized and printed.

5. Compliance Review

The quarterly review will be presented in April.

6. Other business

I. Consent Approvals

1. #2017-003– 46 Baldwin Farms North – Farzana Sarah Habib – Tax #10-2666 – for replacement of two reinforced concrete pipes in a watercourse.
2. #2017-009 – 248 Stanwich Road –for Shanna Miller Jennings for construction of a second story residential addition, porch, grading and landscaping 20’ from wetlands. Tax #11-2017

Chairman Harris identified the applications recommended for consent approval. No questions were asked.

A motion to approve the applications with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Elliot Benton and carried 7-0-0.

II. Pending Applications

1. #2016-138 – 21 Cedarwood Drive – Rosanne Berman – Tax #11-1191

Construction of a single family residence, pool, cabana, patio, driveway, drainage, grading and landscaping 10’ from wetlands.

Chairman Harris asked Patricia Sesto to review the draft reasons for denial provided in the staff report. Ms. Sesto recounted the application requirements as stated in the regulations and where the submitted material did not meet the intent. She reviewed the loss of wetland buffer and the absence of information needed to assess the impact of this loss. Alternative layouts were presented, but none included less impervious coverage, different footprints, or smaller footprint which could have avoided probable impacts.

Chairman Harris then requested the views of each member. Norma Kerlin referenced an October communication highlighting the significant on-site constraints and the in adequacy of subsequent alternatives submitted. The revised plans did not reflect an understanding of the site’s limitations. She would like to see a plan with a smaller house footprint and retention of more of the woods in the buffer. Ms. Kerlin stated she is inclined to deny the application.

Jo Rogers acknowledged the steep grades in front of the house and dismay regarding the parking court. On balance, he described the wetland restoration as being valuable. He did not

find the regulated activities east of the house troubling. Mr. Rogers stated he would vote in favor of the application.

Elliot Benton expressed concern regarding the extensive loss of wetland buffers and the extensive use of the upland review area. Feasible and prudent Alternate plans exist which would have provided greater protection to the wetland. Of those, a smaller house footprint would be advantageous. Mr. Benton would choose to deny the application.

Peter Linderoth concluded the applicant did not prove no feasible and prudent alternatives exist with less impact to the wetland. Mr. Linderoth supports denying the application.

Klaus Jander described the plans as having reasonable compromises and an approval is justified.

Jay Schondorf concurred with Ms. Kerlin's comments.

Stephan Skoufalos is inclined to deny the application. There was no evaluation of the impacts from the loss of wetland buffer in order to draw conclusions and as such, there is a per se acknowledgement of impacts.

Brian Harris recognized the improvements made over the course of this review. However, they were insufficient. Other alternatives could do not do more to protect the wetlands.

A motion to deny the application with the reasons articulated by staff was made by Elliot Benton, seconded by Stephan Skoufalos and carried 6-1-0, with Jo Rogers voting against.

2. #2016-153 – 0 and 500 Lake Avenue – 500 Lake Avenue LLC and Foster Lake LLC – Tax #10-1228, 10-3093 – for a three lot subdivision.

Bob Clausi reviewed the contents of his supplemental staff report and described the additional information submitted to date. Construction details were provided for the Round Hill Road driveway, a detailed explanation of the drainage constraints was submitted, an alternate construction access for lots 2 & 3 was provided, and a functional assessment of the on and off-site wetlands was completed.

Greenwich Land Trust submitted a report prepared by their consultant, Steve Danzer. The report doesn't state opposition to the project, rather it questions whether or not the driveway drainage will function as designed.

The owner of the adjacent French Farm submitted a letter describing concerns over flooding of his property north of the subject parcel. Perhaps a culvert on the Lake Avenue driveway is appropriate to handle the additional water.

Mr. Clausi spoke about the details for the Round Hill driveway. The enlarged plan shows the rain garden will be used as a sediment basin during construction. He questioned the adequacy of the planned silt fence and whether overland flows will move across the changing topography as planned during construction. Several suggested improvements were provided.

The Conservation Commission submitted an updated memo criticizing the number of trees cut for the driveway. The Commission passed a resolution endorsing the conservation zone plan as being a feasible and prudent alternative with less impact to Horseneck Brook

Director Sesto reviewed her memo highlighting various outstanding issues with the application. The construction plan and sequence submitted does not adequately address the various points of vulnerability to erosion and how the applicant intends to manage overland flows, creating the potential for impacts the wetland and Horseneck Brook on the adjacent Allen's Preserve.

A functional analysis provided by Matt Popp of ELS consisted of a check list mostly noting only the presence or absence of various functions and attributes with no discussion of the relative value of each. The information discounting the driveway alternatives makes assertions of inflexibility with regards to the drainage manual that are not necessarily correct and the applicant should have used differing house and driveway layouts to minimize stormwater generation.

The construction access plan includes inconsistencies in the construction sequence and lacks a legal codicil to ensure this aspect of the plan is enforceable.

Tom Heagney of Heagney, Lennon & Slane, LLC appeared before the Agency on behalf of the applicant and restated the history of the property and proposal, calling attention to the extensive wetland restoration, totaling 1 acre, and the benefits of using an old wood road for the new driveway off of Round Hill Road. He clarified the intent of the construction sequence; lots 2 & 3 will be wholly completed before the Round Hill driveway is constructed. The proposal enhances wetlands on-site and does not impact off-site wetlands.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant and reviewed the construction details of the Round Hill drive. He identified areas where trees will not be removed, the location of a possible second sediment basin, and concurred with Mr. Clausi's latest recommendations. There will be no change to the flood storage characteristics north of the Lake Avenue driveway, nor will there be changes to the overland flow volume once the Round Hill driveway is built.

If the porous pavement should fail, the rain garden is capable of handling the flows without overtopping up to a 50-year storm. The train of BMP's also ameliorates thermal pollution risks to Horseneck Brook.

Mr. Frangione continued on to describe the alternate driveway off of Lake Avenue. The plan shows a reasonable expectation of how the driveway and house sites would pan out, to which Mr. Benton disagreed and questioned. If the Round Hill driveway will produce impacts if used for house construction, then how could this also not be true for its own construction and long term use. Likewise, if the construction access over lot one is good enough for construction, why is it not good enough for the permanent drive?

Stephan Skoufalos clarified the Agency's responsibility regarding alternatives. If there is no impact with the preferred plan, there is no justification to pursue alternate layouts.

Mr. Frangione agreed to the elements of Bob Clausi's 2/27/17 staff report and the additional request to confine construction of the Round Hill driveway to the dry weather of late summer.

Patricia Sesto questioned the impacts to the on-site wetland if the alternate driveway were constructed and the Required Reduction in Volume was not met. At all storm magnitudes there would be an increase in volume, with the lowest being some 14,000 gallons.

Matt Popp added the use of a wetland for stormwater storage is not appropriate unless part of a wetland restoration. He reviewed the character and values of the Allen Preserve wetland and the on-site wetland. The on-site wetland is more diverse, with two ponded areas which aids in pollution renovation. It has a greater range of functions and the existing driveway promotes flood storage. By contrast, the Allen's Preserve wetland lacks diversity of habitat and function and is compromised by the semi-annual mowing.

As mitigation, all existing lawned portions of the wetland will be restored to meadow and 138 trees will be replanted to compensate for the lost trees, some of which are non-native invasive Norway maples. There will be no impact to the wetland and watercourse on the Allen Preserve.

It was noted Stephan Skoufalos, Peter Linderoth, and Brian Harris conducted a site visit.

On behalf of the Greenwich Land Trust, Steve Danzer, soil scientist and professional wetland scientist discussed his evaluation of the proposal and its possible impacts on the Allen Preserve wetland and watercourse. His concern is not about the wetland, rather Horseneck Brook. The surrounding wetland, in its mowed state does not provide adequate protection to the brook. This makes the brook vulnerable should the planned Round Hill Road driveway not meet expectations either during or after construction.

Sue Baker spoke, praising the horse sense expressed by the neighbors in contrast to the big engineering response put forward by the applicant. The Round Hill driveway location is valuable habitat and the proposed construction access should be refined to create the permanent drive.

Keith Felcyn, Round Hill Association, echoed Ms. Baker's comments and urged the agency to disregard the wetland scientists in favor of the aesthetics of Round Hill.

Tom Heagney restated salient points of the presentation; Round Hill Road driveway will not damage the Allen Preserve wetland, a monitor will be accommodated to ensure compliance, the erosion and sedimentation control plan and sequence will be revised to reflect Bob Clausi's comments and the necessity to wholly complete lots 2 & 3 development before the driveway is built, and a temporary easement will be provided to facilitate the construction access.

Chairman Harris polled the members. Norma Kerlin expressed support for the proposal.

Jo Rogers acknowledged the Round Hill driveway will be difficult, but doable. And was more than satisfied with the wetland restoration.

Elliot Benton conveyed his lack of support. The best feasible and prudent alternative with no impact to the regulated resource is a reworked version of the construction accessway. The Round Hill driveway will impact the Allen Preserve wetland and Horseneck Brook during construction and then long-term with the permanent driveway. This plan has a poor trade off given the high number of lost trees. Stephan Skoufalos questioned the basis for this conclusion. There is nothing in the record to substantiate this. Elliot Benton disagreed, citing testimony by Denise Savageau and the Conservation Commission.

Jay Schondorf found no evidence of likely impact to the Allen Preserve wetland and will support an approval.

Klaus Jander is in favor of approving the application.

Peter Linderoth described the proposed wetland restoration as admirable. He would have liked more details on the Lake Ave driveway alternative and use of the wetland to renovate stormwater. Horseneck Brook is a listed 303d impaired watercourse further downstream, which places greater importance on protecting its high quality here. Greater efforts are warranted to protect the brook. Mr. Linderoth is not apt to support an approval.

Brian Harris would like to have seen better exploration of the common driveway alternatives, however, in the absence of likely wetland impacts there is no foundation to pursue these. He is in favor of an approval.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jo Rogers. Discussion ensued. Stephan Skoufalos modified his motion to include the additional special conditions that the driveway would be constructed in the dry season, the construction sequence will be revised to reflect lots 2 & 3 will be completed before the Round Hill driveway is built, unless approved by staff otherwise, the applicant shall hire a monitor, the e&s control plan will be revised consistent with testimony, and a temporary construction access easement will be provided, seconded by Jay Schondorf and carried 6-1-0, with Peter Linderoth voting against.

3. #2016-155 – 169 and 173 Valley Road – William Linnan, Trustee and Janice Linnan, Trustee – Tax #08-2440/s, 08A-2010/s – for installation of two docks and deck.

Brian Harris recused himself.

Klaus Jander was seated.

Doreen Carroll Andrew reviewed the contents of her supplemental staff report. The applicant has eliminated the deck and is now requesting a woodchip path and docks. A restoration planting plan is likewise proposed and consists of 18 native trees and 25 shrubs, and an invasives management plan. P&Z has approved the work in the open space, with the condition more shrubs be added. An executed license agreement is also on file.

Bill Kenny of William Kenny Associates, LLC appeared before the Agency on behalf for the applicant and was in agreement with the staff report.

A motion to approve the application with general and special conditions as proposed by staff was made by Joe Rogers, seconded by Jay Schondorf and carried 7-0-0.

4. #2016-172 – 21 Lia Fail Way – Nayden Florida Family Trust – Tax #08-2422 – for construction of a single family residence, porch, patio, pool, septic, driveway, drainage, grading and landscaping 35’ from wetlands.

Brian Harris was reseated.

Bob Clausi reviewed the outstanding items as of the December meeting. The buffer restoration plan has been expanded to the benefit of the wetland. Unfortunately, a subsequent hydraulic conductivity test for the stormwater management plan was not acceptable and this may result in the management features intrusion into the buffer. Also, the disposition of the loop in the existing driveway is in flux. Should work be proposed, the property owner of the parcel on which the loop sits, has submitted authorization.

Bill Kenny of William Kenny Associates and John Heagney of appeared before the Agency on behalf of the applicant and concurred with the recommendation to delay action on this application.

The 130-day review period for this application will end on March 31st, so a decision will need to be made by the Agency at its meeting on March 27.

A motion to delay action on the application was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

5. #2016-173 – 12 Byfield Lane – Gerald and Edwina Musano – Tax #11-1750 – for construction of patio and retaining wall, drainage, grading and landscaping adjacent to wetlands.

Doreen Carroll-Andrews reviewed the project and comments of her supplemental staff report. DPW is requiring revisions, however these are unlikely to affect the application from a wetlands perspective. Disturbed areas will be replanted and overall, the number of plants proposed in the restoration plan exceeds that of the original Order.

Larry Liebman of S.E. Minor & Co., Inc. LLC appeared before the Agency on behalf of the applicant and expressed agreement with Ms. Carroll-Andrews summary.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Elliot Benton and carried 7-0-0.

6. #2016-180 – 249 Bedford Road – Felix & Miosotis Cabrera – Tax #10-2871 – for construction of a new driveway, driveway modifications, drainage, grading and landscaping adjacent to wetlands.

Patricia Sesto reviewed the comments of her staff report. The property owner is seeking a permit to relocate the current driveway on Bedford Road to a point on Riversville Road. There are sightline issues with the existing driveway. The proposed driveway would take advantage of an old wood road and included substantial clearing of the wooded wetland buffer.

Bryan Muller of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant and provided a project summary. He discounted the alternative to rework Bedford Road to increase the sightline distance, citing the magnitude of the work exceeds what is reasonable for a single homeowner to take on. Mr. Muller distributed 3 alternatives. The first driveway is off of Bedford Road, located east of the current driveway. This location gives a driver a good sightline the west and 50 feet to the intersection to the east. Fifty feet falls short of the standard, thus Mr. Muller dismissed this choice. Alternatives 2 and 3 enter the property from Riversville Road with a more direct path than the original proposal. Alternative 3 incorporates retaining wall to minimize the footprint of disturbance and allows for bioretention in the driveway shoulder.

Mr. Muller requested guidance on which alternative to pursue. Ms. Sesto stated her preference for Alternative 1, acknowledging the sightline shortcoming. She would like the opportunity to consult with the town engineer for guidance. If “1” is not feasible, she recommends Mr. Muller pursue alternative 3.

A motion to delay the application was made by Stephan Skoufalos, seconded by Jay Schondorf, and carried 7-0-0.

7. #2016-182 – 22 Close Road, 21 Topping Road & 0 Topping Road – Lars N. Nielsen & Quan Feng Trust – Tax #10-2028, #12-1990, #10-2921 – for demolition of the existing residence and patios and construction of a single family residence, pool, patio, deer fence, drainage, grading and landscaping 10’ from wetlands.

Bob Clausi reviewed the project revisions and his comments. A portion of wetland previously missed has now been flagged. This required revisions to the location of the bioretention basin and eliminated the alternative of constructing the house on the lower meadow. Tree removal and pruning to create a vista to the house is now proposed and includes the removal of 10-12 trees and pruning of others. CT DEEP has identified this property as habitat for the long-eared bat and the criteria for their habitat needs has been provided to the applicant. The only missing information is an invasive species management plan.

Mark Kwan appeared before the Agency to further describe the clearing for a pond vista. The intent is not to have an unobstructed view, rather to gain a glimpse of the pond. There are three main groupings of tree affected and care was exercised to minimize the number of trees to be taken down. Fourteen new trees, 3-4 inch caliper are proposed to compensate for the cut trees.

Ms. Sesto expressed dissatisfaction with the placement of the replacement trees, as they do little to benefit the wetland. Given the wetland is lawned and the stream not well buffered, the mitigation plan should be revised to revegetate the wetland with low growing trees such as shadblow, alder, and pussy willow.

A motion to approve the application with general and special conditions as proposed by staff, including a revised planting plan and invasive species management plan was made by Elliot Benton, seconded by Jo Rogers and carried 7-0-0.

III. New Applications For Review

3. #2016-179 – 44 Mary Lane – Debra Hess – Tax #12-2385/S – for construction of a deck, retaining wall, and pigeon loft 10’ from wetlands.

Bob Clausi reviewed the comments of his staff report. This project proposes to level the backyard up to the wetland using a retaining wall to define its limit. An infiltrator will be installed proactively when this regrading is underway. A pigeon loft is proposed to be placed in the wetland on top of a gravel base. Mr. Clausi is recommending filter fabric underlay the gravel to facilitate removing the gravel in the future. The necessity to have the loft in the wetland was questioned and concerns regarding pigeon waste were voiced.

Jeffery McDougal of William W. Seymour & Associates, P.C. appeared before the Agency on behalf of the applicant and further described the project and its purpose. The retaining wall will produce a defined boundary between the lawn and the wetland and the proposed plantings will enhance the wetland. Mr. McDougal agreed to use filter fabric and stated the loft will be removed at the time the applicant’s father no longer is pursuing this hobby.

Discussion ensued regarding the classification of a pigeon loft as exempt as it was unclear if pigeons counted towards farming. Ms. Sesto stated it is her experience that yes, this would be classified as an agricultural use. Uncertain, the agency authorized staff to approve the application if it is determined the pigeon loft qualifies as an agricultural use.

A motion to delay action on the application by the agency and alternately authorize staff to approve the application if the pigeon loft qualifies as an exempt activity was made by Stephan Skoufalos, seconded by Norma Kerlin, and carried 7-0-0.

4. #2017-002– 19 Doubling Road – Greenwich Country Club – Tax #11-1137 – for dredging of a pond.

Bob Clausi reviewed the contents of his staff report. The proposal is to perform a maintenance dredge of an irrigation pond. The plan also calls for the creation of a sediment forebay slightly upstream. The stream is partially on adjoining parcels and those owners have provided authorization. Mr. Clausi concluded the application is in order and recommends the agency approve it.

Gene Narzzaro of Nazzaro, Inc. appeared before the Agency on behalf of the applicant, and stated he concurs with Mr. Clausi.

A motion to approve the application with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Jo Rogers and carried 7-0-0.

5. #2017-004– 30 Hunting Ridge Road – Jong Won Lee & Kyung Ok Lee – Tax #11-2182 – for installation of fill and regrading 90’ from wetlands.

Patricia Sesto conveyed the applicant’s request to table discussion on this application to the next meeting.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant.

A motion to delay action on the application was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

6. #2017-005– 562 River Road – James & Ginette Merenski – Tax #11-2847/s – for demolition and construction of a new single family residence, garage, driveway, drainage, grading and landscaping 35’ from wetlands.

Bob Clausi reviewed the contents of his staff report. This lot is presently developed with a single family residence. The house would be demolished and rebuilt on the same foundation with the inclusion of a garage over existing portions of the driveway. The property owners have extended their residential uses onto the adjoining subdivision set aside, including fill, lawn, debris storage, and a shed. Mr. Clausi is recommending the fill, debris, and shed be removed. A plan has been submitted to accommodate this recommendation.

Tom Ryder of LandTech Consultants appeared before the Agency on behalf of the applicant and reaffirmed the removal of fill and debris. Additionally, the drain in the driveway will be removed. The applicant is working with P&Z to ascertain if the shed can remain in the open space.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Jay Schondorf and carried 7-0-0.

7. #2017-006– 2 Apple Tree Lane – Elena Cantavero – Tax #12-1440/s – for maintenance of commercial activity 10’ from wetlands.

Bob Clausi reviewed the property history and proposed restoration plan. This property has a long standing use for various business ventures which included storage of fill, wood, equipment, vehicles, in and adjacent to wetlands. It is a pre-existing, non-conforming use dating back further than 1970.

In 2015 an expansion of the operation was identified and a cease and correct order was issued for 2 & 11 Apple Tree Lane to address the fill and clearing. The plan submitted tightens up the area of use and requires the removal of extraneous materials.

Mr. Clausi recommends permanent barriers be installed to define the work space and a planting plan to restore the impacted areas be submitted.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. He confirmed work is underway to reign in the work area and minimize the types of operations. The intent is to keep the firewood business and vehicle storage.

Brian Harris requested clarification regarding the fill on 4 Apple Tree Lane, which is also a violation situation. Anthony D'Andrea stated the owner of 4 Apple Tree, who bought the property in its current condition, has not been responsive to his client's attempts to deal with the fill pile.

A motion to delay action on the application was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

8. Agent Approvals

The Agency was provided seven legal notices for projects approved by an Authorized Agents. The projects are as follows.

1. #2017-001 – 9 Cottontail Road – 4sitalia for residential redevelopment, the permitted activity consists of constructing a septic system 90' from a wetland. Tax #08-3508
2. #2017-007– 81 Husted Lane – Gavin & Kerrith Mackay for installation of a pool security fence and picket fence 2' from wetlands. Tax #11-1056/s
3. #2017-008 – 7 Dwight Lane – Richard Estates, LLC for completion of residential additions, and installation of a drainage system 35' from a wetland. Tax #10-1975
4. #2017-010 – 76 Old Orchard Road – Roseann Benedict for construction of an addition and patio 80' from a wetland. Tax #12-1766/s
5. #2017-011 – 18 Halock Drive – Henry and Lisa Moses for raising the garage floor slab, deck replacement, and grading 68' from the Byram River. Tax #09-1745/s
6. #2017-014 – 135 Zaccheus Mead Lane – Rocco V. D'Andrea, Inc. for Dave Williams, Trustee for construction of a residential addition, grading and landscaping 50 feet from wetlands. Tax # 10-3036
7. #2017-015 – 27 Tomac Avenue – Better Home Building Association for 25 Tomac Avenue, LLC for demolition of a single family residence 45 feet from wetlands. Tax #06-2375

No questions were presented and no public comments were received. No action by the Agency was required.

9. Applications To Be Received

Chairman Brian Harris made a motion to receive the twelve applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Jo Rogers and carried 7-0-0.

10. Violations

1. Cease & Correct Order #2016-13 – 84 Hunting Ridge Road – Sonia Hedvat – Tax #11-2248

Bob Clausi read the evidentiary documents into the record and reviewed the Violation Summary for failure to correct unauthorized clearing within a wetland and buffer area.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency and distributed revised restoration plans. A discussion ensued regarding the rationale behind the number and location of trees proposed. Mr. Liebman responded he doubled the number from the original plan in 2003. Ms. Sesto suggested the size of the trees be less than the 3-4” caliper proposed to reduce the period of shock newly transplanted trees undergo.

A motion to maintain Cease & Correct Order until implemented to satisfaction of the Agency and place a copy of the plan on Land Records was made by Brian Harris, second by Jo Rogers. The motion carried 7-0-0.

2. Cease and Correct Order #2017-06 – 32 Hettiefred Road – Pasquale and Rosina Iachetta – Tax #10-2055

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary prepared by Lindsay Tomaszewski for unauthorized clearing and filling of a wetland.

Pasquale Iachetta, property owner, appeared before the Agency.

There is a watercourse that runs along the rear of the house and a pocket wetland in the front of the house adjacent to the road (North side of property). IWWA received a greensheet in October 2016 for a generator, but has no record of any work associated with the clearing. There is a building permit issued for the property, but IWWA sign off was not required on the building permit as this was limited to interior work. The town highway department approved an electrical junction installed in the town right of way, just outside of the wetland. Mr. and Mrs. Iachetta had communicated with other town departments regarding tree removal. The trees were cut based the property line.

Staff estimates 10 trees cut and the wetland has been filled to match the slope of the upper front lawn. The demarcation wall which was installed as a condition of the previous permit was also removed. No replacement vegetation had yet been added.

Staff recommends that the wetland elevation be restored to the previous grade, mitigation plantings added to the wetland and buffer, and demarcation also added.

A motion to uphold the Order with staff recommendations was made by Brian Harris, second by Elliot Benton. The motion carried 7-0-0.

3. Update: Cease & Correct Order #2017-02 – 21 Birch Lane – Thomas McCloskey – Tax #11-1885

Doreen Carroll Andrews provided the agency with an update. She and Ms. Sesto have met with the property owner and spoken with her representatives. To date, no landscape architect or other qualified professional has been engaged to prepare and submit a corrective action application.

It was the consensus of the Agency to refer the matter to the law department if a consultant is no consultant is hired by March 6th and an application filed by March 24, 2017.

4. Update: Cease & Correct Order #2017-03 – 325 Riversville Road – George Mead – Tax #10-1683

Doreen Carroll Andrews provided an update on this violation. She and Ms. Sesto met with the owner's attorney on-site to assess the property's condition. The fill is largely as it was when the violation was first issued. She and Ms. Sesto will be meeting with DPW to coordinate the requirements of each department. Much of the fill is on 327 Riversville Road and the neighbors will need to be issued a violation as well.

11. Bond Releases

1. Application #1989-020 – Permit #1989-028 for Mr. and Mrs. Richard Richman – 7 Dwight Lane. The \$2,000 and \$1,000 bonds are to be returned to Richard Richman.
2. Application #2002-063 – Permit #2003-042 for Lloyd and Maura Mandell – 14 Hycliff Road. The \$12,000 bond is to be returned to Lloyd and Maura Mandell.
3. Application #2006-157 – Permit #2006-131 for Greenwich Country Club – 19 Doubling Road. The \$2,000 bond is to be returned to Greenwich Country Club.
4. Application #2011-068 – Permit #2011-058 for Danny Chan and Ching Kwok - 50 Hillside Road. The \$6,000 bond to be returned is to Danny Chan and Ching Kwok.
5. Application #2014-144 – Permit #2014-110 for Donald and Colleen Wood-Smith – 224 Byram Shore Road. The \$2,000 bond is to be returned to Donald and Colleen Wood-Smith.
6. Application #2014-146 – Permit #2014-112 for John and Christina Horner – 232 Byram Shore Road. The \$2,000 bond is to be returned to John and Christina Horner.

7. Application #2015-078 – Permit #2015-072 for Robert Boolbol and Elizabeth Koldyke – 105 Woodside Drive. The \$4,000 bond is to be returned to Elizabeth Koldyke Boolbol and Robert Boolbol.
8. Application #2015-101 – Agent Approval #2015-017 for Ana Maria and Tomas Novak – 11B Relay Place. The \$2,000 bond is to be returned to Ana Maria and Tomas Novak.
9. Application #2015-140 – Permit #2015-119 for 2 Highview Avenue LLC – 2 Highview Avenue. The \$4,000 bond is to be returned to Carol Melone Zuckert.
10. Application #2016-018 – Agent Approval #2016-027 for Michael and Alina Sherman - 27 Stillman Lane. The \$4,000 bond is to be returned to Michael and Alina Sherman.

A motion to release the bonds was made by Brian Harris, second by Elliot Benton and carried 7-0-0.

12. Other Business

- a. General Procedural Discussion – None

13. Adjourn

With no further business, the meeting adjourned at 11:35 p.m.

Patricia Sesto
Director